IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

RP.No. 330 of 2007(L)

AGAINST THE JUDGEMENT/ORDER IN WPC.3682/2006
.....

REVIEW PETITIONERS/RESPONDENTS 3 & 4:
----

1. **KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY THE SECRETARY,
   KERAL PUBLIC SERVICE COMMISSION,
   PATTOM, THIRUVANANTHAPURAM.

2. **THE DISTRICT OFFICER,**
   KERALA PUBLIC SERVICE COMMISSION,
   ERNAKULAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 2:
----

1. **PRASAD.R., S/O K.K.RAMAN,**
   MATTATHIL HOUSE, MULAKULAM NORTH P.O.,
   PIRAVOM, ERNAKULAM DISTRICT.

2. **STATE OF KERALA REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT, PERSONAL AND
   PUBLIC WORKS, SECRETARIAT, THIRUVANANTHAPURAM.

3. **THE CHIEF ENGINEER(ADMINISTRATION)PWD,**
   THIRUVANANTHAPURAM.

BY ADV. SRI.KALEESWARAM RAJ
BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007 ALONG WITH RP NO. 376 OF 2007, RP NO. 336 OF 2007 AND RP NO. 400 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

R.P. No.330 of 2007 in W.P.(C) No.3682 of 2006
R.P.No.336 of 2007 in W.P.(C).No.9171 of 2006
R.P.No.376 of 2007 in W.P.(C) No.30669 of 2005 &
R.P.No.400 of 2007 in W.P.(C) No.9004 of 2005

Dated this the 6th day of June, 2007.

O R D E R

Heard. The Public Service Commission prays for vacating the interim order passed by this Court on 1-3-2007. The learned Judge found that 10 vacancies which arose before the expiry of the rank list on 31-12-2005 were reported to the PSC. But those requisitions reached the PSC after 31-12-2005. In the meantime, pursuant to the interim order of this Court dated 9-12-2005, the Chief Engineer, PWD has reported 30 vacancies of LD Clerks to the PSC. But the stand of the PWD is that there are no vacancies to accommodate them. Therefore, the PSC could not advise to those 30 vacancies. The learned Judge directed the PSC to advise candidates to 10 vacancies to different departments. The requisitions reached the PSC after the expiry date. This order was passed taking into account the pendency of 30 vacancies reported by the PWD. But this department is a separate unit, for appointment and promotion. The vacancies that has arisen in one department cannot be filled up based on the requisition

from another department. Further, in view of the Full Bench decision of this Court in Vimala Kumari Vs. State (1994 (2) KLT 47 (FB)), the PSC cannot advise candidates, if the requisition for the same reaches after the expiry of the list.

In view of the above position, I feel that the direction issued by this Court on 1-3-2007 shall be recalled and vacated. It is ordered accordingly.

K.BALAKRISHNAN NAIR,
JUDGE.

MS